

UNITED STATES OF AMERICA)
)
 v.)
)
 ALBERT CHARLES BURGESS, JR.)
 _____)

THIS MATTER is before the Court upon the Second Memorandum and Recommendation of United States Magistrate Judge Dennis L. Howell, filed June 14, 2010. (Doc. 139.) The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within fourteen days after service of the memorandum. (Second Mem. and Rec., Doc. 139, 19.) Defendant filed two objections (Docs. 145,148).

After an independent and thorough review of the Magistrate’s memorandum, Defendant’s objections thereto, and a *de novo* review of the record, the Court orders the following: (1) Defendant’s Motion for Relief from Waiver (Doc. 123) is **DENIED**; and (2) Defendant’s Motion for Miscellaneous Relief¹ (Doc. 134) is **DENIED**.

IT IS THEREFORE ORDERED that the Memorandum and Recommendation of the Magistrate Judge is hereby **AFFIRMED** and Defendant's Motions (Docs. 123, 134) are **DENIED**.

¹ Defendant's Motion for Miscellaneous Relief included two motions: (1) Defendant's Motion to Dismiss the Prosecution Pursuant to Rule 52 of the Federal Rules of Criminal Procedure; and (2) Defendant's Motion for a New Trial, Prosecutorial Misconduct, Motion to Dismiss all Convictions, Fraud Upon this Court. Both motions are denied.

SO ORDERED.

Signed: August 9, 2010

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

